

Al-Farabi Kazakh National University

«APPROVED BY»

Dean of the Faculty of
International Relations

 Zhekenov D.K.
Minute № _____ dated _____
« 01 » _____ 04 _____ 2022

PROGRAM
on the state exam by the specialty
«5B030200 – International Law»


Almaty 2022

Program by the specialty 5B030200-International Law is prepared on the basis of the Model Programs on the subject “Public International Law” and “Private International Law”

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The program was reviewed at the meeting of the Department of International Law.

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Head of the Department  Zh.T. Sairambayeva

The program was approved at the meeting of the Methodology Bureau of the Faculty of International Relations

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Chairman of the Methodology Bureau  G.A. Mashimbayeva

Approved at the meeting of the Faculty Academic Council

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Chairman of the Academic Council of the Faculty of International Relations

Dean  D.K. Zhekenov

EXPLANATORY NOTE

The content of the state exam is determined by the program on the specialty "5B030200 - International Law" in accordance with the requirements for the level of training of bachelors based on the formation of academic, social, personal and professional competencies, in accordance with the current curricula of undergraduate curriculum disciplines.

The aim of state exam on the specialty "5B030200 - International Law" is the determination of the compliance degree of the level of graduates' preparedness with the requirements of the educational standard. At the same time, both theoretical knowledge and practical skills of student are tested in accordance with their specialty and qualifications. The objectives also include the formation of students' holistic understanding of international public law as an instrument of legal regulation of international relations.

The development of international cooperation requires the availability of knowledge in the field of private international law not only from the employees of the Ministry of Foreign Affairs and foreign economic agencies, but from each lawyer who carries out activities in law-making, executive and law-enforcement state bodies, as well as in business structures.

Tasks of state exam:

- to identify the level of theoretical and practical knowledge gained by students during the period of study on professional educational programs of higher education;
- to determine the compliance of the knowledge and skills acquired by the student with the requirements of the state compulsory education standard in the specialty "5B030200 - International Law".
- to determine the level of mastering by students of the most important and sustainable knowledge in the field of legal, political, economic and social processes that provide holistic perception of the scientific picture of the world.

List of disciplines included to the program:

Mandatory special disciplines of the base component:

1. Theory of public international law
2. Theory of private international law

Form of the admission of comprehensive exam: combined writing and oral exam. Examinees write down their answers to the questions of the examination ticket on the answer sheets, answer the examination board orally. In case of appeal, the reason for consideration is written records in the answer sheet.

1. INTERNATIONAL PUBLIC LAW

Topic 1. The concept, sources and basic principles of international law

The concept, characteristics and features of modern international public law. The basic theory of the relationship between international law and national legal systems. The concept and types of sources of international law. Essence and value of codification and progressive development of international law. The concept, meaning and classification of the basic principles of international law. Normative content of the basic principles of international law.

List of references:

1. Aydarbayev S.Zh. International law. Uch. for universities. - Almaty, 2013.
2. Aidarbayev S.Zh., Shumilov V.M. International public law. Textbook. - Almaty, 2012.
3. Erdzhanov T.K. International law. Textbook. - Almaty, 2006.
4. Kulzhabaeva J.O. International public law. Textbook. - Almaty, 2002.
5. Sarsembaev M.A. International law. Uch. allowance. - Almaty, 1996.

Theme 2. Legal personality in international law

The concept and types of subjects of international law. International legal personality of states, international organizations, state-like entities, nations and peoples fighting for their independence.

Institute of recognition in international law.

International legal regulation of the institution of succession.

Features succession after the collapse of the USSR.

General characteristics of the international legal regulation of the status of the population.

List of references:

1. Aydarbayev S.Zh. International law. Uch. for universities. - Almaty, 2013.
2. Aidarbayev S.Zh., Shumilov V.M. International public law. Textbook. - Almaty, 2012.
3. Erdzhanov T.K. International law. Textbook. - Almaty, 2006.
4. Kulzhabaeva J.O. International public law. Textbook. - Almaty, 2002.
5. Sarsembaev M.A. International law. Uch. allowance. - Almaty, 1996.

Topic 3. Territory in international law. Law of Foreign/External Relationship.

The concept and types of territories in international law. The composition and legal regime of the state territory. The composition and legal regime of the territories with the international regime. Composition and legal regime of territories with mixed regime. The concept and types of state borders.

The legal regime of the Arctic and Antarctic.

The concept and sources of diplomatic law. Classification, status and functions of state bodies of external relations. General characteristics of diplomatic privileges and immunities. The legal status of consular offices.

List of references:

1. Aydarbayev S.Zh. International law. Uch. allowance. - Almaty, 2013.
2. Aidarbayev S.Zh., Shumilov V.M. International public law. Tutorial. - Almaty, 2012.
3. Erdzhanov T.K. International law. Textbook. - Almaty, 2006.
4. Yerdzhanov T.K. The international legal status of landlocked states. - Almaty, 2001.
5. Kulzhabaeva J.O. International public law. Textbook. - Almaty, 2002.
6. Sarsembaev M.A. International law. Uch. allowance. - Almaty, 1996.
7. Blischenko I.I. Diplomatic right. - M., 1990.
8. Vasilevskaya E.G. Legal problems of the exploration of the moon and planets. - M., 1986.
9. Klimenko V.M. State territory: questions of the theory and practice of international law. - M., 1974.

Theme 4. The right of international responsibility and the right of peaceful settlement of international disputes

The concept, types and forms of international responsibility. International criminal liability of individuals.

The concept and value of the institution of the peaceful resolution of international disputes, its legal content. The main means of peaceful resolution of international disputes. Peaceful resolution of international disputes within international organizations.

The activities of international arbitration and judicial bodies on the peaceful settlement of international disputes.

List of references:

1. Aidarbayev S. Z. International law. Textbook. - Almaty, 2013.
2. Aidarbayev S. Z., Shumilov V. M. International public law. Textbook. – Almaty, 2012.
3. Erdzhanov T.K. International law. Textbook. - Almaty, 2006.
4. Kulzhabayeva J. O. Public International law. Textbook. - Almaty, 2002.
5. Sarsembayev M. A. International law. Textbook. - Almaty, 1996.
6. Lukashuk I.I. The right of international liability. - M., 2009

Topic 5. International security law. Law of armed conflict.

Concept and sources of international security law. Mechanism for the maintenance of international security at the universal and regional level.

International legal regulation of disarmament. Types, role and importance of confidence-building measures and security safeguards. The nuclear dimension of international security.

The concept and sources of the law of armed conflict. Legal status of different categories of parties to an armed conflict.

List of references:

1. Aidarbayev S.Zh. International law. Tutorial. – Almaty, 2013.
2. Aidarbayev S.Zh., Shumilov V.M. International public law. Tutorial. – Almaty, 2012.
3. Erdzhanov T.K. International law. Textbook. – Almaty, 2006.
4. Kulzhabaeva Zh.O. International public law. Textbook. – Almaty, 2002.
5. Sarsembayev M.A. International law. Tutorial. – Almaty, 1996.
6. A comprehensive system of international security and international law. M., 1987.
7. Course in International Law: In 7 Volumes. – M., Nauka, 1989-1993.

Topic 6. International air, space, maritime, economic and environmental law.

Concept, sources and principles of international air law. Legal regulation of international air services.

Concept, sources and principles of international space law. Legal regime of outer space and celestial bodies. Legal status of space objects and astronauts.

Concept and sources of international law of the Sea. Legal regime of Maritime spaces.

Concept, principles and sources of international economic law. International organizations in the field of economic law.

Concept, principles and sources of international environmental law. Activities of international structures in the field of environmental protection.

List of references:

1. Aidarbayev S.Zh. International law. Tutorial. - Almaty, 2013.
2. Aidarbayev S.Zh., Shumilov V.M. International public law. Tutorial. - Almaty, 2012.
3. Erdzhanov T.K. International law. Textbook. - Almaty, 2006.
4. Kulzhabaeva J.O. International public law. Textbook. - Almaty, 2002.
5. Vasilevskaya E.G. Legal problems of the exploration of the moon and planets. - M., 1986.
6. Kolbasov O.S. International legal environmental protection. - M., 1982.
7. Maleev, Yu.N. International air law: questions of theory and practice. - M., 1980.

1. INTERNATIONAL PRIVATE LAW

Topic 1. General concepts of private international law

The concept and features of private international law.

Conflict and substantive methods of regulation. The concept and structure of collision bindings. Place and role of substantive norms in the regulation of legal relations. Qualification of legal concepts in the process of applying collision norms.

The problem of reverse reference to the law of third countries. Reservation on public order. Preferential treatment (regime). The concept of national treatment

(regime).The principle of national treatment in determining the general legal status of foreign citizens in the Republic of Kazakhstan.Collision norms in the legislation of the Republic of Kazakhstan.

List of references:

1. International private law. / Edited by M. Sarsembayev - Almaty, 1998.
2. Nysanbekova L.B. International Private Law. – Almaty, 2001.
3. Republic of Kazakhstan and actual problems of private international law: round table discussions (January 9, 2008.) /Executive editor S. Zh. Aidarbayev. - Almaty: Kazakh University, 2008.
4. Boguslavsky M.M. International Private Law. - M., 2010.

Topic 2. Legal status of individuals and legal entities in private international law

The position of foreigners in various states.Civil legal capacity and legal capacity of foreign citizens and stateless persons in the Republic of Kazakhstan.

The participation of legal entities in international economic relations and the determination of their nationality.The legislation of the Republic of Kazakhstan and the provisions of international treaties governing the legal status of foreign legal entities.The volume of legal capacity of a legal entity in civil law relations.Responsibility of a legal entity.Types of legal entities in international private law.

List of references:

1. International private law. / Edited by M. Sarsembayev - Almaty, 1998.
2. Nysanbekova L.B. International Private Law. – Almaty, 2001.
3. Anufrieva L.P. International Private Law. In 3 v. – M., 2002.
4. Boguslavsky M.M. International Private Law. M., Jurist, 1998.

Theme 3. Real rights in international private law

Property issues in international relations. Conflict of property issues. Application of nationalization laws abroad.

Legal status of property of the Republic of Kazakhstan and property of legal entities of Kazakhstan abroad.

Legal regulation of foreign investment.International legal documents concerning investment matters.Foreign investment in free economic zones in various countries.

Free economic zones in the Republic of Kazakhstan.

List of references:

1. Maulenov K. S. Public administration and legal regulation in the sphere of foreign investments. – Almaty, 2000.
2. Nysanbekova L.B. International Private Law. – Almaty, 2001.
3. Law and property in the Republic of Kazakhstan. / Ed. ed. M.K. Suleimenov. - Almaty, 1997.
4. Aidarbaev S.Zh. Legal regulation of foreign investments in the Republic of Kazakhstan. Textbook. – Almaty, 2000.

5. Sarsembaev M.A. The legal status of the economic zones of Kazakhstan and the world. - Almaty, 2002.

6. Anufrieva L.P. International Private Law. In 3 v. – M., 2002.

Theme 4. Foreign economic treaties in international private law

The concept of a foreign trade transaction. Form of contract.

Universal international conventions on foreign trade purchase and sale.

Typical contracts. Trade terms. General terms of delivery.

Compensation agreement. Contracts for the provision of technical assistance and construction of enterprises. Concession and other agreements. Treaties in the field of scientific and technical cooperation.

List of references:

1. Ispaeva G.B. The law to be applied to international contracts for the sale of goods. - Almaty, 1999.

2. Nysanbekova L.B. International Private Law. – Almaty, 2001.

3. Law and property in the Republic of Kazakhstan. / Ed. ed. M.K. Suleimenov. - Almaty, 1997.

4. Anufrieva L.P. International Private Law. In 3 v. – M., 2002.

Topic 5. International transport in private international law

The concept of international transport. International rail transport. International road transportation. International air transportation. International shipping. International legal acts on international transport.

List of references:

Private international law. The textbook / Under the editorship of M. A. Sarsembayeva. - Almaty, 1998.

Nyssonbekova L. B. International private law. – Almaty, 2001.

Tuleugaliev G. I., Tuleugaliev M. G. International transport law. - Almaty, 2001.

Anufrieva, L. P. Private International law. In 3 parts– M., 2002.

Ivanov G. G, Makovsky A. L. International private maritime law. - M., 1984.

Maleev Y. N. International air law: theory and practice. - M., 1986.

Theme 6. Consideration of disputes in court in international private law

The concept of an international civil process.

The main laws of the Republic of Kazakhstan in the field of civil procedure. The right to judicial protection and civil procedural rights of foreigners in the Republic of Kazakhstan. The procedural position of a foreign state.

Establishing the content of foreign law. Recognition and enforcement of foreign judgments.

The concept of arbitration and types of arbitration (arbitration) courts. The concept of arbitration agreement. UNCITRAL Model Law on International Commercial Arbitration.

List of references:

1. Aidarbayev S.Zh., Eshniyazov N.S. International civil process. Textbook / Responsible ed. Ph.d. S.ZH. Aidarbayev. - Almaty, 2012.
2. Aidarbayev S.Zh., Tumenbayev S.A. Civil procedural law of the Republic of Kazakhstan and foreign countries. Textbook / Responsible ed. Ph.d. S.ZH. Aidarbayev. - Almaty, 2012.
3. International commercial arbitration. Collection of articles and documents. / Responsible ed. P.Y.Greshnikov. – Almaty, 2002.
4. Private international law. Textbook. / Ed. M. A. Sarsembayev. - Almaty, 1998.
5. Nyssanbekova L. B. International private law. – Almaty, 2001.
6. Neshataeva T. N. International civil process. Training course. - M., 2004.
7. Shaq H. International civil procedure law. Translation from German - M., 2001.

Questions of state exam

International Public law

1. The concept of the international system and its elements. The codification and progressive development of international law.
2. The correlation between international and domestic law.
3. International Public law and Private International law: correlation and interaction.
4. History of international law. The main periods.
5. Legal characteristics of the sources of international law.
6. International legal norms, their types and structure.
7. Basic principles of international law.
8. International legal principle of non-use of force.
9. International legal principle of territorial integrity and inviolability.
10. International legal principle of inviolability and indestructibility of borders.
11. The international legal principle of non-interference into internal and external Affairs of States.
12. The international legal principle of the sovereign equality of States.
13. The international legal principle of the faithful performance of obligations under international law.
14. International legal principle of respect for human rights.
15. International legal principle of equal rights and self-determination of people.
16. The principle of the peaceful settlement of international disputes.
17. Subjects of international law.
18. Questions of state immunity in international law.

19. The concept and types of territories in international law.
20. Institute of recognition in international law.
21. Partially recognized and unrecognized states in international law. (political and economic aspects).
22. The institution of succession in international law.
23. Deciding on issues of succession after the collapse of the USSR.
24. The concept and types of international treaties.
25. Stages of the conclusion of treaty.
26. Validity and termination of international treaties.
27. The law of foreign relations as a branch of international law.
28. Classification of bodies of foreign relations of the state.
29. The concept and types of international legal responsibility.
30. Issues of citizenship in the IL. The legality of the deprivation of citizenship.
31. Population in international law. The legal status of bipatrides and stateless persons.
32. Issues of international legal protection of refugees.
33. Legal aspects of the application of sanctions in IL.
34. The right of international security as a branch of international law.
35. The issue of weapons of mass destruction in international law.
36. The international legal regulation of strategic and conventional weapons.
37. Disarmament issues in international law.
38. The concept of international humanitarian law. The legal status of participants of armed conflicts.
39. International legal protection of victims of armed conflicts
40. Prohibited means and methods of warfare
41. The Institute of Neutrality in International Law.
42. General characteristics of peaceful means of solving international disputes.
43. Issues of the use of force in international law.
44. The subject and system of international economic law.
45. Principles of international economic law.
46. The concept and principles of international trade law.
47. World Trade Organization (WTO): general description.
48. The right of the WTO and its features.
49. The international financial system and international financial law: general characteristics.
50. Cooperation of States in the fight against crime at the regional level (CIS, SCO, etc.)
51. General characteristics of civil and political human rights.
52. General characteristics of economic and social human rights.
53. International criminal law: the concept and general characteristics.
54. The international legal fight against terrorism.
55. International criminal liability of individuals.
56. International environmental law: the concept and general characteristics.
57. International Maritime Law: the concept and general characteristics.
58. The legal regime of the exclusive economic zone and the continental shelf.

59. The international legal regime of the Suez, Kiel and Panama Canals.
60. International air law: the concept and general characteristics.
61. Legal regulation of international commercial air traffic.
62. International space law: the concept and general characteristics.
63. General characteristics of the International Court of Justice.
64. Legal status of ICPO (Interpol).
65. International judicial institutions (International Criminal Court, ad hoc tribunals, other international tribunals and special courts).
66. The international legal status of the CIS and its prospects.
67. The organizational and legal framework for the activities of the CIS (goals, membership, bodies).
68. EAEU of Armenia, Belarus, Kazakhstan, Kyrgyzstan and Russia: formation, development and prospects.
69. The role of the UN in the development of IL. The activity of the Republic of Kazakhstan as a non-permanent member of the UN Security Council.
70. Privileges and immunities of diplomatic missions and diplomatic agents.

2. Private international law

1. The concept and legal nature of IPL. The ratio of IPL with other branches of law.
2. Methods of regulation in the IPL.
3. Sources of IPL. Unification of norms of IPL.
4. The concept, structure and types of conflict rules (collision norms).
5. Qualification of legal concepts of the conflict rule (collision norms).
6. Establishing the content of the norms of foreign law in the IPL.
7. Return reference and reference to a third country law.
8. The clause on public order, the application of imperative norms and circumvention of the law in the IPL.
9. Reciprocity and retorsion in private international law (material, procedural and conflict of laws aspects).
10. The legal status of natural persons in private international law.
11. The legal status of legal persons in private international law.
12. The legal status of state in private international law.
13. The levels of treatment accorded to foreigners in private international law. Special restrictions on the rights of foreign natural and legal persons according to the legislation of the Republic of Kazakhstan.
14. Conflict of laws issues of the property rights in private international law.
15. The concept and signs of foreign economic transactions.
16. The general description of the Vienna Convention on Contracts for the International Sale of Goods in 1980.
17. Law governing the contract obligation in private international law.
18. The forms of payments settlement in foreign economic transactions (cheque, promissory note, the collection of payments, the letter of credit).
19. General content in the Rules for the interpretation of Incoterms 2010.
20. Extra-contractual obligations in private international law.

21. Conflict of laws issues in the marriage and its dissolution.
22. Conflict of laws issues in property, non-property, and alimony legal relationships between family members.
23. The legal regulation of international adoption.
24. Conflict of laws issues of inheritance matters in private international law.
25. Copyright in private international law.
26. Patent law in private international law.
27. Related rights in private international law.
28. Labour relations in private international law.
29. The role of ILO in labour migration issues. The role of the Republic of Kazakhstan in the international division of labour according to the Strategy “Kazakhstan-2050”.
30. The determining the jurisdiction of the disputes involving foreigners.
31. The conflicts of jurisdictions. Exceptional and alternative competence.
32. The consular legalisation of documents and apostille in private international law.
33. The recognition and enforcement of foreign legal judgements.
34. The legal nature of international commercial arbitration. The concept and types of arbitration agreement.
35. An arbitrary clause and arbitration memorandum.
36. The main stages of arbitral proceedings (the filing of statement of claim and the statement of defence, the consideration of dispute on its merits, additions and corrections of the arbitral award, covering arbitration expenses).
37. The execution of foreign letters of request. The recognition and enforcement of foreign arbitral awards.

Exam Scale

The ticket includes 3 questions. Each question in the discipline is estimated at 100%.

Graduates of the bachelor program are able to possess in-depth up-to-date knowledge in the field of modern problems of international law, a wide range of knowledge in all areas of law from the factual level to the level of analytics and expert assessment of social problems; contribute with original research of their own to expanding the scope of a scientific field that may be worthy of publication at the national or international level; critically analyze, evaluate and synthesize new and complex ideas; communicate with colleagues, the scientific community and the general public about their knowledge and achievements to; promote the development of a knowledge-based society.

Points based on alphabet	Digital equivalent of points	% content	Estimation according to the traditional system
A	4	95-100	excellent
A-	3,67	90-94	

B+	3,33	85-89	good
B	3	80-84	
B-	2,67	75-79	
C+	2,33	70-74	
C	2	65-69	satisfactorily
C-	1,67	60-64	
D+	1,33	55-59	
D	1	50-54	
F	0	0-49	unsatisfactorily

Grade "A" is set if the student:

- fully disclosed the content of the material in the amount prescribed by the program;

- set out the material in literate language in a certain logical sequence;

- showed the ability to illustrate theoretical positions with concrete examples;

- demonstrated the assimilation of previously studied related questions, the formation and stability of the skills used in the response skills

The grade "A-" is set if the student:

- made one or two inaccuracies in the coverage of secondary issues;

- in the work there are one or two different inaccuracies, errors that are not the result of ignorance or misunderstanding of educational material;

Grade "B +" is set if the student:

- the work has been completed in full, but the justification for the decision steps is insufficient

The grade "B" is set if the student:

- in the presentation of small gaps that do not distort the logical and informational content of the answer;

- One or two shortcomings were allowed when covering the main content of the answer.

The grade "B-" is set if the student:

- a mistake or more than two shortcomings were made when covering minor issues;

Grade "C +" is set if the student:

- the content of the material is incompletely or inconsistently disclosed, but a general understanding of the issue is shown and skills sufficient for further learning of the program material are demonstrated, there were difficulties or mistakes in the definition of concepts and the use of terminology.

Grade "C" is set if the student:

- did not cope with the application of theory in the new situation when performing practical tasks.

The "C-" grade is awarded if the student:

- with the knowledge of theoretical material, insufficient formation of the basic skills was revealed.

The grade "D +" is set if the student:

- not disclosed the main content of educational material;
- Ignorance or misunderstanding of the most or most important part of the educational material was found.

The mark "D" is set if the student:

- mistakes are made in the definition of concepts, when using terminology.

The grade "F" is set if the student:

- The work showed a complete lack of a student's obligatory knowledge and skills in the discipline being tested.